

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CR-128-1BO

STEVEN MICHAEL COLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ORDER


This matter is before the Court on the petitioner's motion to modify the restitution order imposed by this Court [DE 89]. The petitioner disputes his liability for the remaining unpaid restitution. Having paid more than half the total amount of restitution due, petitioner's motion was presumably spurred by relatively small contributions of his co-defendants.

Where this Court finds that more than one defendant has contributed to the loss of a victim the Court may make each defendant liable for the full amount of restitution. 18 U.S.C. § 3664. Once ordered, district courts have jurisdiction to modify restitution only in limited circumstances. *See e.g.* 18 U.S.C. § 3664(k) (stating that the court may modify the payment schedule when a defendant faces a material change in economic circumstances).

Here, the Court properly assigned liability for the full amount of restitution to each defendant. As the defendant has neither shown a material change in his economic circumstances, nor articulated any other ground for a modification of the restitution order, his motion is DENIED.

SO ORDERED.

This the 26 day of February, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE